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05.10.2026
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Ct.3.

WPA 27399 of 2026

Kalyani Ghosh
Versus
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharjee
Mr. Aditya Mondal
Mr. Sourav Samanta
... For the petitioner.

Mr. Billwadal Bhattacharyya, Ld. AAG
Mr. Suryaneel Das
Mr. Sunderjit Kaur Manna
Ms. Megha Sarkar
... For the State.
Mr. Srijib Chakraborty
Mr. T. Pramanick
.... For the respondent Nos. 9 to 22

1. The affidavit-of-service filed in Court today is taken on record.

2. The present writ petition has been filed, *inter alia*, for quashing the requisition dated 9th September, 2026 issued by the respondent Nos. 9 to 23.

3. Mr. Bhattacharjee, learned advocate appearing for the petitioner would submit that the petitioner is the Chairman of the Board of Councilors of the Kharagpur Municipality. According to him, though a special meeting has been convened seeking removal of the petitioner as Chairman of the Board of Councilors of the municipality, the notice of removal was not addressed to the petitioner in her capacity as Chairman in terms of the Rule 9(3)(b) of the West Bengal Municipalities (Procedure and Conduct of Business) Rules, 1995 (hereinafter referred to as the "said rules"). It is the petitioner's case that on 9th September,

2026, some of the councilors of Kharagpur municipality being the respondent Nos. 9 to 23 had made a requisition before the respondent No. 7 under Section 18(3) of the West Bengal Municipal Act, 1993 (hereinafter referred to as the said Act) thereby requesting him to convene the meeting on the agenda of no-confidence against the Chairman.

4. It is submitted that there has been non-compliance of rule 9(3)(b)(i) of the said rules as the notice was not served on the petitioner. Accordingly, the meeting that has been convened today cannot be proceeded with and the requisition should be quashed.

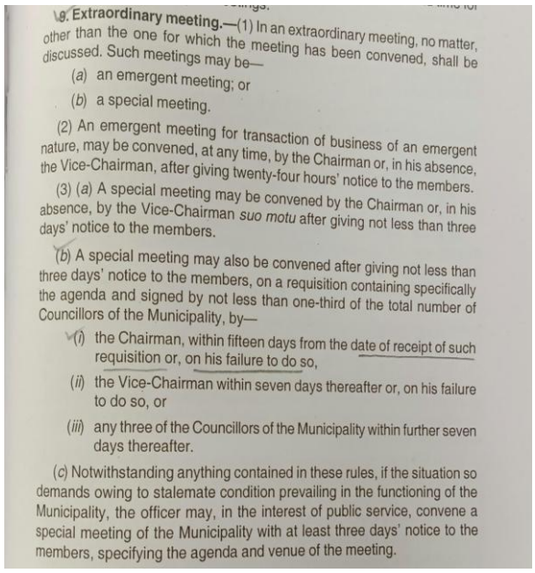
5. Mr. Bhattacharyya, learned Additional Advocate General appears for the State while Mr. Chakraborty, learned Advocate appears for the requisitionists.

6. At the very outset, the learned AAG has placed before this Court the communication issued by the Sub-Divisional Magistrate, Kharagpur, addressed to the District Magistrate forwarding the requisition submitted by the elected Councilors of Kharagpur Municipality under Section 18(3) of the said Act. A copy of the aforesaid requisition has also been enclosed. From a perusal of the same, it transpires that the requisition is signed by 15 several councilors. The same is dated 9th September, 2026 and is addressed to the Chairman, Kharagpur Municipality. This apart, he has also placed before this Court the communication dated 10th September, 2026 addressed by the Executive Officer,

Kharagpur Municipality to the Additional Chief Secretary. According to him, the petitioner as Chairman, was duly given notice. Since the petitioner has failed to take steps, the meeting has been convened by the Vice-Chairman of the municipality. In support of his contention, the notice issued by the Taimur Ali Khan, the Vice-Chairman of Kharagpur Municipality calling the Special meeting under Rule 9(3)(b)(ii) of the said rules, being empowered under Section 18(3) of the said Act, has been placed before this Court. The said notice is dated 5th October, 2026 and is taken on record. As per the said notice, the meeting is fixed at 12 noon today.

7. Mr. Chakraborty, learned advocate appears for the requisitionists. He would however, submit that the petitioner has not affirmed the relevant paragraph alleging non-service of notice on her, as true to her knowledge, the said paragraph has only been affirmed as respectful submissions before this Court. As such no reliance be placed on the same.

8. Having heard the learned advocates appearing for the respective parties and having considered the materials on record, I find that in order to call an extraordinary meeting or a special meeting, a procedure has been laid down in the said rules. To morefully appreciate the same, the relevant rule being rule 9 of the said rules is extracted hereinbelow.



9. Extraordinary meeting.—(1) In an extraordinary meeting, no matter, other than the one for which the meeting has been convened, shall be discussed. Such meetings may be—

(*a*) an emergent meeting; or

(*b*) a special meeting.

(2) An emergent meeting for transaction of business of an emergent nature, may be convened, at any time, by the Chairman or, in his absence, the Vice-Chairman, after giving twenty-four hours' notice to the members.

(3) (*a*) A special meeting may be convened by the Chairman or, in his absence, by the Vice-Chairman *suo motu* after giving not less than three days' notice to the members.

(*b*) A special meeting may also be convened after giving not less than three days' notice to the members, on a requisition containing specifically the agenda and signed by not less than one-third of the total number of Councillors of the Municipality, by—

(*i*) the Chairman, within fifteen days from the date of receipt of such requisition or, on his failure to do so,

(*ii*) the Vice-Chairman within seven days thereafter or, on his failure to do so, or

(*iii*) any three of the Councillors of the Municipality within further seven days thereafter.

(*c*) Notwithstanding anything contained in these rules, if the situation so demands owing to stalemate condition prevailing in the functioning of the Municipality, the officer may, in the interest of public service, convene a special meeting of the Municipality with at least three days' notice to the members, specifying the agenda and venue of the meeting.

9. As would appear from the above and the materials available on record, the requisition notice appears to have been addressed to the Chairman. Though, Mr. Bhattacharjee, learned advocate for the petitioner would contend that the petitioner was not served with the notice, I find that the relevant statement in paragraph 6 has been affirmed as 'submissions' and not as 'true to knowledge'.

10. In the light of the above and having regard to the disclosure already made by the learned AAG, I find that there is no scope to enter into any factual controversy. This apart, having regard to the statements contained in paragraph 5 of the said petition and as rightly pointed out by the AAG, the petitioner has due knowledge of the requisition.

11. In the instant case, since the petitioner did not convene the meeting, the Vice-Chairman appears to have convened the meeting being otherwise empowered in terms of the rule 9(3)(b)(ii) of the said rules. The said

notice has also been disclosed. I do not find any irregularity in convening such meeting. As such no interference is called for.

12. The writ petition fails and is accordingly dismissed without any order as to costs.

(Raja Basu Chowdhury, J.)